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Letter dated 17 June 2004 from the Permanent Representative of the Philippines to the United Nations addressed to the President of the Security Council

I should be grateful if you would circulate the attached letter as a document of the Security Council.

(*Signed*) Lauro L. **Baja**, Jr.
Permanent Representative

04-39387 (E) 170604

Annex to the letter dated 17 June 2004 from the Permanent Representative of the Philippines to the United Nations addressed to the President of the Security Council

Letter dated 16 June 2004 from the Permanent Representative of the Philippines to the Permanent Representative of the Sudan

This has reference to your letter of 11 June 2004 (S/2004/490), which you addressed to me in my capacity as President of the Security Council. As some of the points contained in your letter alluded to the discussion I personally held with you, please allow me to respond to them in my national capacity.

The decision of the Security Council on the participation of the Sudan at the formal meeting of the Council to adopt resolution 1547 (2004) on 11 June 2004 was sufficiently and fully conveyed at the start of that meeting, as your letter itself has duly noted. It would be beyond the extent of my prerogatives as President of the Council to further elaborate on the Council's decision.

Your letter, however, has raised a question of interpretation of the Council's decision to allow the Sudan to "participate in the discussion". This issue is for the Council, and not for the President alone, to decide. I will leave it to your delegation on when and how you would further pursue this matter with the Council.

Please allow me now to shed more light on our discussion regarding your delegation's expressed desire and inability to be allowed to deliver a statement at the Council's formal meeting on 11 June, which the account in your letter does not fully reflect.

During our discussion, I informed you that the Philippine delegation fully sympathized with the desire of the Sudanese delegation to speak before the Council. However, as the meeting on that day was convened for the sole purpose of taking a vote on the draft resolution, and not to debate on the item on the agenda, I said to you that statements in connection with the vote are allowed only for Council members. I further informed you that the decision to allow the Sudan to deliver a statement at that meeting would have to be made by the whole Council, and not by the President alone. As President of the Council, I do not enjoy any prerogative on my own to make a decision on behalf of the Council on who would be allowed to speak at its meetings. In my consultations with individual Council members, it became apparent that while some members supported your request to deliver a statement, others did not. Thus, the Council could not reach a consensus to accede to your desire to deliver a statement at the Formal Meeting.

I would like, therefore, to correct the account in your letter that it was "by [my] decision that permission for [you] to participate in the session did not entitle [you] to deliver a statement, on the grounds that there was no precedent for it".

First, as I have communicated to you, it was not by my decision, but rather the lack of consensus by the Council to allow a statement other than explanation of votes that militated against your desire to speak before the Council.

Second, I could not recall having cited the lack of precedence on the matter as a reason for your delegation's inability to deliver a statement at the meeting. I would have been remiss if I had done so considering my full awareness that the Council, by

its decision and long-standing practice, had allowed on previous occasions two delegations to speak at formal meetings that were held for the purpose of voting on draft resolutions on the Middle East. But as I emphasized to you, while these occasions may be cited as precedents — and I agreed that they were — these instances had occurred because of a consensus in the Council, which, unfortunately, did not materialize in the case of the Sudan for the adoption of resolution 1547 (2004).

You would also recall that, in order for the Sudan to have the opportunity to make its views known, I suggested to you to send a letter to the President of the Council requesting that your statement be issued as a document of the Security Council. Indeed, you have followed my humble advice and your statement is now part of the public record as a Council document. Thus, your right to be heard has been fully preserved by the publication of your statement.

The Philippine delegation fully supports the right of every delegation to be heard on matters of concern to them with which the Security Council is seized. We support transparency in the work of the Council and the full ventilation of views on issues of general interest to the international community.

In this regard, if your delegation so wishes, I would propose to convene a meeting of the Security Council to allow your delegation a full expression of your views on matters of common interest between the Security Council and your country. I am certain that Council members would welcome this opportunity to exchange views with your delegation on these shared concerns. I would be grateful to receive your concurrence on this proposal.

Finally, in my capacity as President of the Council, I wish to inform you that I will circulate this letter as a document of the Security Council.

(*Signed*) Lauro L. **Baja**, Jr.
Permanent Representative